



CITY OF PLEASANT HILL

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REZONING

Application Guide

WHAT IS A REZONING?

The City's Zoning Ordinance and Zoning Map establish zoning districts for all property within the City identifying permitted and conditionally permitted land uses and related development standards. California state law requires zoning to be consistent with the City's General Plan.

A proposal to change a property's zoning is evaluated for consistency with the General Plan, compatibility with surrounding development and consistency with the overall purpose of the Zoning Ordinance (including specific provisions addressing applications for residential rezoning discussed further below). Zoning for a property does not necessarily need to be at the highest density permissible by the General Plan.

ARE THERE SPECIFIC FINDINGS FOR A REZONING?

The City must make the following specific findings to approve a rezoning:

- The rezoning is consistent with the policies of the General Plan
- The proposed rezoning is consistent with the purposes of the zoning ordinance and the limitations on residential rezoning prescribed in PHMC § 18.125.070 and further discussed below.

ARE THERE LIMITATIONS PERTAINING TO RESIDENTIAL REZONING?

Section 18.125.070 of the Zoning Ordinance indicates that the City shall not rezone any area or property zoned for residential use to increase density or change land use unless the following conditions are met:

- Seventy-five percent of the boundary of the area or property to be rezoned must be adjacent to land having the same or greater density zoning designation than the proposed zoning for the area or property. This provision shall not apply to properties not greater than 20,000 square feet deemed unsuitable for residential use by virtue of noise, traffic, and immediate proximity to commercial uses, which provide a buffer between business and residential areas; and for properties with a lower density zoning than R-10 which may be rezoned R-10;

- Development of the area or property to be rezoned shall not have growth-inducing impacts on existing residential neighborhoods;
- Development of the area or property to be rezoned shall not have a significant traffic impact on existing residential neighborhoods; and
- Development of the area or property to be rezoned shall not have a significant noise impact on existing residential neighborhoods.

WHAT ARE THE STEPS?

Step 1 Preliminary Review - Prior to submittal of a formal application, it is recommended that the applicant discuss with staff the preliminary proposal. The staff can, if requested, respond in writing regarding project conformity with the General Plan, the environment, neighborhood concerns, and other issues potentially involved with the application.

Step 2 Filing the Application - Application for a rezoning should be made on the Public Works and Community Development Department's "Application for Development Review" form. The application form must be accompanied by the additional supporting materials specified by the Public Works and Community Development Department, including descriptive information necessary to permit adequate review of the proposed rezoning. A filing fee will be required for each rezoning application in the amount set by the City Council.

A Public Works and Community Development Department staff member will be assigned to review the application materials for completeness and to prepare a staff report to the Planning Commission. Additional information may be required as staff review of the project progresses.

Step 3 Environmental Review - After submittal of a completed Environmental Information Questionnaire by the applicant, an Initial Study may be completed by the Public Works and Community Development Department which contains a preliminary evaluation of project relationships to the General Plan and its potential for significant adverse environmental effects. If the Initial Study indicates no significant impact potentials, a Negative Declaration or Mitigated Negative Declaration (a brief statement describing why an Environmental Impact Report is not required) will be recommended for Planning Commission approval. If, on the other hand, the Initial Study indicates that significant adverse environmental effects may occur, preparation of focused studies or an Environmental Impact Report (EIR) may be required for Planning Commission review and City Council certification.

Step 4 Planning Commission hearing - The Planning Commission is required to hold at least one public hearing on the rezoning application. The hearing does not have to be held within any specified time, but staff usually schedules the hearing at the same

time as an accompanying General Plan Amendment (if necessary). At least ten (10) days prior to the hearing, a notice will be published in the *Contra Costa Times* newspaper and notices mailed to all property owners and residents within 300 feet of the proposed rezoning.

Following completion of required environmental documentation, the staff will prepare a report which includes: (1) a description of the proposal; and (2) a summary of its relationship to relevant General Plan provisions, as well as its environmental, land use, traffic, and other implications. A copy of this report will be sent to the applicant during the week preceding the Planning Commission hearing. Copies will also be available for public review at the Public Works and Community Development Department.

At the public hearing, staff will present its report and recommendations. Testimony from the applicant and other interested persons will also be permitted. The Planning Commission may then close the public hearing and make a recommendation to the City Council to approve the request, deny the request, or may postpone the decision or continue the public hearing to a later date so that more information can be provided. Eventually, the Planning Commission will make a recommendation to the City Council.

Step 5 Following the Planning Commission recommendation and within 60 days of the Commission recommendation, the City Council will hold a public hearing on the rezoning request.

At the public hearing the staff will present the Planning Commission's report and recommendations. Testimony from the applicant and other interested persons will also be permitted. The City Council may then close the public hearing and make a decision approving or denying the request.

WHAT MUST BE SUBMITTED?

All submittal information required in the General Submittal Requirements Checklist shall be presented, including the Application for Development Review form and related fees, to the Public Works and Community Development Department before the application can be accepted as complete. A letter will be sent to the applicant within thirty (30) days indicating whether the application is complete or incomplete (with reasons), along with the name of the planner processing the application.

MAY A DECISION BE APPEALED?

All proposed rezoning applications are automatically forwarded to the City Council for review and final action after the Planning Commission has considered the proposal and provided its recommendations; therefore no appeal procedure is applicable to a rezoning.